

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

STEVEN JOSEPH HALL and MIRANDA
C. MCDANIEL

Debtors

PENNSYLVANIA HOUSING FINANCE
AGENCY

Movant

vs.

STEVEN JOSEPH HALL, MIRANDA C.
MCDANIEL and WILLIAM C. MILLER,
Trustee

Respondents

: BANKRUPTCY NO. 15-11778-ELF

: CHAPTER 13

: L.B.R. 9014-3

: HEARING: **DECEMBER 18, 2018**

: AT 9:30 A.M.

: U. S. Bankruptcy Court
Robert N. C. Nix Sr.
Federal Court House
900 Market Street
Philadelphia, PA 19107

**MOTION OF PENNSYLVANIA HOUSING FINANCE AGENCY FOR RELIEF FROM THE AUTOMATIC
STAY TO PERMIT PENNSYLVANIA HOUSING FINANCE AGENCY TO PROCEED WITH
FORECLOSURE ACTION ON 418 NORRISTOWN ROAD, HORSHAM, PA 19044**

TO THE HONORABLE ERIC L. FRANK, BANKRUPTCY JUDGE:

AND NOW comes Pennsylvania Housing Finance Agency by its attorneys, Purcell, Krug & Haller, and files this Motion to obtain relief from the automatic stay pursuant to Section 362(d) of the Bankruptcy Code as follows:

1. That this is a contested matter under Rule 9014 brought pursuant to 11 USC Section 362(d).

2. Movant, Pennsylvania Housing Finance Agency, is a company with an office located at 211 North Front Street, Harrisburg, Pennsylvania 17101.

3. Respondents, Steven Joseph Hall and Miranda C. McDaniel, are adult individuals whose last known address is 418 Norristown Road, Horsham, Pennsylvania 19044.

4. Respondent, William C. Miller, Esquire, is the Trustee duly appointed in the above case with a place of business at Post Office Box 1229, Philadelphia, Pennsylvania 19105.

5. On or about May 26, 2010, Respondent, Steven J. Hall, executed and delivered a Mortgage Note in the sum of \$219,050.00 payable to Cardinal Financial Company, L.P., a copy of said Mortgage Note is attached hereto and made a part hereof as Exhibit "A".

6. Contemporaneously with and at the time of the execution of the aforesaid Mortgage Note, in order to secure payment of the same, Respondent, Steven J. Hall, executed and delivered to Cardinal Financial Company, L.P. a certain real estate Mortgage, recorded in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, in Book 12847, Page 00343, on June 4, 2010, conveying to Cardinal Financial Company, L.P. the real estate described therein. Said Mortgage is incorporated herein by reference. Said Mortgage was subsequently assigned to Pennsylvania Housing Finance Agency as recorded in the aforementioned County in Book 12484, Page 02481, on June 8, 2010. Said Assignment of Mortgage is incorporated herein by reference.

7. Movant is the owner of land known and numbered as 418 Norristown Road, Horsham, Pennsylvania 19044.

8. Other liens against the property are:

Mortgage - Pennsylvania Housing Finance Agency dated May 26, 2010 and recorded May 26, 2010 in Mortgage Book 122847, Page 02281, in the amount of \$3,000.00.

9. The balance owed Movant is approximately \$215,000.00.

10. The value of the real estate is approximately \$218,000.00 (per Debtors' Schedules).

11. After allowance of exemptions to which Debtors have claims in the Bankruptcy Petition, the value of the aforesaid Property to be sold is grossly insufficient to pay the record liens against the property as well as costs that could be incurred by the Trustee in selling the said property.

12. No equity exists in said property for the benefit of the unsecured creditors.

13. Debtors have failed to make eighteen post-petition payments to Movant (18 payments at \$1,663.00).

14. Movant is entitled to relief for cause.

WHEREFORE, Movant prays for the entry of an Order terminating the automatic stay and granting Movant leave to conclude foreclosure proceedings and that such further relief be granted as your Honorable Court deems fair and equitable.

PURCELL, KRUG & HALLER

By: /s/ Leon P. Haller

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Dated: November 26, 2018